

any evidence showing the contrary.

In reply thereto, Applicant respectfully submits that since the volume percent composition of Tokiwa et al. and the weight percent of Applicant's invention are in absolute numbers approximately the same, the only way that the volume percents of Tokiwa et al. would convert into weight percents which are within the ranges of Applicant's invention would be if the specific gravities of the natural high molecular weight substance, thermal plastic resin and filler to be all approximately the same. Applicant has extensively looked into the specific gravity of the types of natural high molecular weight substances, thermoplastic resins and fillers of Tokiwa et al. and respectfully submits that the specific gravities of each are quite different. In particular, if one were to select a vinyl acetate as a representative example of a natural high molecular weight substance, the specific gravity is approximately 1.4. If you were to select a polypropylene for the thermoplastic resin, the specific gravity would be about 0.9. Still further, if you selected talc as the filler, the specific gravity of talc is 2.5. Therefore, Applicant respectfully submits that in view of the wide variations in the specific gravity of the three types of materials which go into the biodecomposable molding material of Tokiwa et al., if the amounts defined in Tokiwa et al. by volume percent were converted to weight percentages, they are outside the ranges of Applicant's invention.

Still further, Applicant would like to incorporate by reference his comments made to the same rejection in the responsive communication filed August 12, 1998. Moreover, Applicant still maintains his position that the term "powdery cellulose" is not powdery paper. In particular, while the Examiner may suggest that a broad interpretation of the term "powdery cellulose" would include powdery paper, Applicant respectfully submits that when a term in a reference cited by the Examiner is unclear as to its scope or meaning on its face, and Applicant has supplied an explanation or statement as to the scope of the term (as at page 3 of Applicant's

prior communication), the Examiner should not give broad interpretation to the term so as to encompass Applicant's invention. In other words, the Examiner should not put himself in the position of one of ordinary skill in the art and then provide a broad interpretation to a term which is unclear on its face so as to encompass Applicant's invention.

In view of the above, therefore, Applicant respectfully submits that the Claims 1 and 2 are not obvious over Tokiwa et al. alone or in view of Moriya et al.

In view of the above, therefore, it is respectfully requested that this Rule 116 Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Rule 116 Amendment or required by any requests for extensions of time to KODA & ANDROLIA DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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